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United States District Court
Southern District of New York

Tomasz Laskawski,)
Plaintiff,) No. 15 cv 3631 (KMK)
- against -)
Brian Boru of Westchester, Inc. a/k/a)
Brian Boru Concessions of Westchester, Inc.)
Defendant.)

)

Affirmation of Tomasz Laskawski

1. I am the Plaintiff in the above-referenced matter. I hereby declare under penalty of perjury that the following statements are true to the best of my knowledge.
2. I was employed by the Defendant (who operated certain concessions at Yonkers Raceway) as a bartender from approximately July to December of 2014. My rate of pay was \$12.44 per hour.
3. During the time I was employed by the Defendant, I observed that my punch times were being adjusted to reflect less work than I had actually performed.
4. For example, attached hereto as Exhibit A and B are screen shots I took from the Defendant's timekeeping system.

5. The first screen shot, which I took on Saturday, September 20, 2014, reflects my pre-adjustment times. It indicates that I punched out from work at 11:30pm on Friday, September 19, 2014.

5. The second screen shot was taken the day after the first. i.e. I took it on Sunday, September 21, 2014. Sunday's screen shot indicates that I punched out from work at 10:45pm on Friday, September 19, 2014.

6. Thus, between Saturday and Sunday, my time records for the previous Friday were shaved by 45 minutes.

7. While employed by the Defendant, I regularly worked 40 or more hours per week. Thus, this shaving of my time affected the amount of overtime pay I received.

8. Based on my conversations with other bartenders and barbacks, I understand that I was not the only bartender or barback who had this happen to him or her; it was a common occurrence for all of the bartenders and barbacks who were employed by the Defendant in this matter.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 21, 2015.



Tomasz Laskawski

Exhibit A

Ceridian Self-Service Custom Dayforce | HCM https://642.dayforcehcm.com/sso/u/NoNF69wKeUs9YyczHUtPA/Common/#

My Work Employee TimeSheet Me

Employee TimeSheet - 9/17/2014 to 9/23/2014

YRF - 9/17/2014 Load Save Undo Redo View View Pay Balances Problems Audits Punches

Wednesday, Sep 17	Thursday, Sep 18	Friday, Sep 19	Saturday, Sep 20	Sunday, Sep 21	Monday, Sep 22	Tuesday, Sep 23	Total
734 VIP L 2:45p 2:45p 6:15p 6:15p 7:15p 7:15p 10:45p 10:45p 7:00 7:00	734 VIP L 2:45p 2:45p 6:15p 6:15p 7:15p 7:15p 10:45p 10:45p 7:00 7:00	734 VIP Loun 2:45p 2:45p 6:15p 6:15p 7:15p 7:15p 10:45p 11:30p 7:00 7:45	734 VIP Loun 2:45p 2:45p 6:15p 6:15p 7:15p 7:15p 10:45p 11:30p 7:00 0:00	720 Entertainme 11:45a 3:15p 4:15p 7:45p 7:00 0:00			21:45
Enter Comment Here	Enter Comment Here	Enter Comment Here	7:00 0:00	7:00 0:00			
7:00	7:00	7:45	0:00	0:00	0:00	0:00	

Enter Comment Here Enter Comment Here Enter Comment Here

Saturday, September 20, 2014

September, 2014

Su	Mo	Tu	We	Th	Fr	Sa
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	1	2	3	4
5	6	7	8	9	10	11

12:08:46 AM

Change date and time settings...

Exhibit B

File Edit View History Bookmarks Tools Help

Ceridian Self-Service Custom Dayforce | HCM Fiverr: Graphics, marketing... +

https://642.dayforcehcm.com/sso/u/bqTDWRFD9kClnhlewk0rrA/Common/# Google

Employee TimeSheet - 9/17/2014 to 9/23/2014

YRF -9/17/2014 Load Save Undo Redo View Pay Balances Problems Audits Punches

Wednesday, Sep 17	Thursday, Sep 18	Friday, Sep 19	Saturday, Sep 20	Sunday, Sep 21	Monday, Sep 22	Tuesday, Sep 23	Total
734 VIP L 2:45p 2:45p 6:15p 6:15p 7:15p 7:15p 10:45p 10:45p 7:00 7:00	734 VIP L 2:45p 2:45p 6:15p 6:15p 7:15p 7:15p 10:45p 10:45p 7:00 7:00	734 VIP L 2:45p 2:45p 6:15p 6:15p 7:15p 7:15p 10:45p 10:45p 7:00 7:00	734 VIP Lounge 2:45p 2:45p 6:15p 6:15p 7:15p 7:15p 10:45p 10:45p 7:00 8:00	720 Entertainment 11:45a 6:15p 6:15p 7:15p 7:15p 10:45p 11:45p 7:45p 7:00 0:00			29:00
Enter Comment Here	Enter Comment Here	Enter Comment Here	Enter Comment Here				
7:00	7:00	7:00	8:00	0:00	0:00	0:00	

Sunday, September 21, 2014

◀ September, 2014 ▶
Su Mo Tu We Th Fr Sa
31 1 2 3 4 5 6
7 8 9 10 11 12 13
14 15 16 17 18 19 20
21 22 23 24 25 26 27
28 29 30 1 2 3 4
5 6 7 8 9 10 11

9:23:28 AM

[Change date and time settings...](#)

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